

1 Q. You would go in the refrigerator and get  
2 something out?

3 A. Yes. Because I have left stuff on the stove  
4 before.

5 Q. You mean you have left the stove on with food.  
6 Has anything caught on fire?

7 A. No. One day I was on my way to the doctor's  
8 office and I left my curling iron hooked up and I had to  
9 call my sister and my son's future father-in-law to go --  
10 one of them to go and turn my curling iron off so it  
11 wouldn't burn my house down because I had forgotten.

12 Q. Do you have any problems shopping for food? Do  
13 you go food shopping?

14 A. Yes, I do.

15 Q. You can handle that okay?

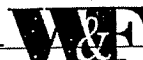
16 A. If I write it down, I know what I'm going for.

17 Q. Do you have any problems with performing any  
18 household chores?

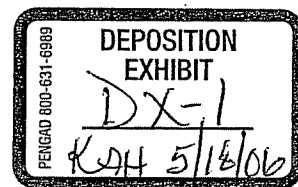
19 A. No, I don't.

20 Q. We already talked about your ability to drive.  
21 You're somewhat limited with your ability to drive  
22 because of the medication side effects. That's generally  
23 until 9:00 or 10:00 in the morning?

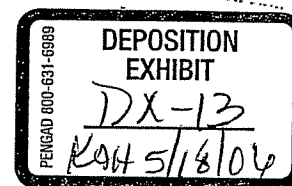
24 A. Yes.



on Friday 9/13/02 I was standing  
@ Joanne - cubicle talking to her.  
Out of the clear blue sky " " "  
Richards said to me you son of  
a bitch, and you mother fucker, in  
response I said your "mama". I also  
said the bigger they are the harder  
they fall. Debbie said your mom  
is probably in heaven raising hell  
over you. My response was she's  
in heaven resting in peace.



**Social Security Administration**  
**Retirement, Survivors and Disability Insurance**  
**Notice of Award**



Mid-Atlantic Program Service Center  
300 Spring Garden Street  
Philadelphia, Pennsylvania 19123-2992  
Date: October 24, 2003  
Claim Number: 213-52-9870HA

1020 MCS,PC21,PH,7024,018,153  
JANET L FRANKLIN  
827 SABINA CIRCLE  
BEAR, DE 19701-2517

000002425 02 MR 0.534

|||||

You are entitled to monthly disability benefits beginning July 2003.

**The Date You Became Disabled**

We found that you became disabled under our rules on January 31, 2003.

However, you have to be disabled for 5 full calendar months in a row before you can be entitled to benefits. For these reasons, your first month of entitlement to benefits is July 2003.

**What We Will Pay And When**

- You will receive \$1,054.00 for October 2003 around November 26, 2003.
- After that you will receive \$1,054.00 on or about the fourth Wednesday of each month.
- These and any future payments will go to the financial institution you selected. Please let us know if you change your mailing address, so we can send you letters directly.

The day we make payments on this record is based on your date of birth.

**Other Government Payments Affect Benefits**

We are withholding your Social Security benefits for July 2003 through September 2003. We may have to reduce these benefits if you received Supplemental Security Income (SSI) for this period. When we decide whether or not we will have to reduce your Social Security benefits, we will send you another letter. We will pay you any Social Security benefits you are due for this period.

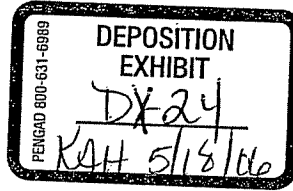
Enclosure(s):  
Pub 05-10153  
Pub 05-10058

C

See Next Page

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P00036



MBNA America Bank, N.A.  
Wilmington, Delaware 19884

(302) 453-9930  
www.mbna.com

September 12, 2005

Janet Franklin  
827 Sabina Circle  
Bear, DE 19701

Dear Ms. Franklin:

I am writing to advise you of your current employment status with MBNA. Our records indicate that your long-term disability (LTD) appeal was denied on 8/12/05. Additionally, you have been away from work since 2/1/03. In accordance with MBNA's LTD and job security policies, job security is based on the cumulative time away from work in a rolling 12-month period. This time is measured from the first day of absence.

Because your appeal has been denied and you have been away from work for more than 12 months, your employment rights have ended effective 9/12/05. If you are interested in future employment with MBNA, you may apply for re-employment after you obtain a medical release.

You will have the option to continue medical, dental and vision coverage under COBRA and you may convert your life insurance through a conversion policy. A notice outlining your COBRA rights will be sent to you.

Your rights to appeal the LTD carrier's decision are not related to your continued MBNA employment. You may have appeal rights even though your MBNA employment has ended. For information pertaining to your appeal rights with the carrier, please refer to the information provided to you by the LTD carrier.

Sincerely,

Tamika Sainten  
Senior Personnel Manager

D258

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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

JANET LEIGH FRANKLIN,

Plaintiff,

v.

MBNA CORP.

Defendant.

Civil Action

No. 04-1513 GMS

Deposition of [REDACTED] D.,  
taken pursuant to notice at the offices of Dr. [REDACTED]  
[REDACTED], Newark, Delaware, beginning at  
2:15 p.m., on Friday, June 16, 2006, before Terry  
Barbano Burke, RMR-CRR and Notary Public.

APPEARANCES:

TERESA A. CHEEK, ESQUIRE  
Young Conaway Stargatt & Taylor, LLP  
The Brandywine Building, 17th Floor  
100 West Street  
P.O. Box 391  
Wilmington, Delaware 19801  
For the Defendant

WILCOX & FETZER  
1330 King Street - Wilmington, Delaware 19801  
(302) 655-0477  
www.wilfet.com



WILCOX & FETZER LTD.  
Registered Professional Reporters

A56

ORIGINAL

1 identification.)

2 BY MS. CHEEK:

3 Q. Dr. [REDACTED], I am handing you documents that  
4 were marked [REDACTED]-1 and [REDACTED]-2. Are these copies of  
5 the documents that you have in your file?

6 A. Some of it, yes.

7 Q. The two documents that you just handed me, are  
8 those copies, the documents I just handed you, are they  
9 copies of what you just handed me?

10 A. Yes.

11 Q. Or is there something missing?

12 A. Something missing.

13 Q. What's missing?

14 A. Let me show you.

15 I also have [REDACTED]

16 [REDACTED]

17 Q. [REDACTED] are three pages  
18 each. One of them -- the same date says the [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 I will give you those back for now.

22 Q. What else do you have?

23 A. Also I have my office notes.

24 Q. Are those generally handwritten notes?



1 A. Yes.

2 MS. CHEEK: [REDACTED]-3.

3 [REDACTED]-3 was marked for identification.)

4 BY MS. CHEEK:

5 Q. Dr. [REDACTED], I'm handing you exhibit [REDACTED]-3,  
6 and I will ask you to look through that and tell me if  
7 that's a correct copy of your office notes for Janet  
8 Franklin?

9 A. Yes, except you don't have my last note dated  
10 6-1-06.

11 Q. What else do you have?

12 A. Administrative paperwork.

13 MS. CHEEK: [REDACTED]-4.

14 ([REDACTED]-4 was marked for identification.)

15 BY MS. CHEEK:

16 Q. Do you mind if I look through it to see if  
17 there is anything I don't recognize in there?

18 A. Sure.

19 (Pause.)

20 BY MS. CHEEK:

21 Q. [REDACTED]-4, do you recognize that as an item from  
22 your file?

23 A. Yes.

24 Q. That is a list of visits that Janet Franklin



1 made to you?

2 A. Correct.

3 Q. I think what I would like to ask you to do at  
4 this point is to read for us your handwritten notes,  
5 which I can only read to some limited extent.

6 A. I understand. I'm sorry.

7 Q. These are in [REDACTED] Exhibit 3?

8 A. 3-31-03?

9 Q. Yes, 3-31-03.

10 A. "Recently discharged from [REDACTED] and [REDACTED] at

11 [REDACTED]

12 [REDACTED]."

13 Next line, "[REDACTED]"

14 [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 [REDACTED]"

19 Q. [REDACTED]

20 A. Uh-huh.

21 And then "Treatment, [REDACTED]"

22 one in the morning. [REDACTED]

23 [REDACTED], one in the morning.

24 [REDACTED], one





1 at HS, bedtime.

2 " [REDACTED] one three times

3 a day. [REDACTED]

4 Appointment with the Labor Relations Board tomorrow.

5 [REDACTED]

6 Q. [REDACTED]?

7 A. [REDACTED]

8 "Next appointment two weeks."

9 On the side it says, "Peggy Humphrey,

10 letter fax." She was I think nurse at MBNA.

11 [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 Q. Let's talk about these notes for a little bit.

15 At this point, had you already been

16 seeing and treating Janet Franklin?

17 A. Yes.

18 Q. When did you first treat her?

19 A. February 1st [REDACTED]

20 Q. So she was hospitalized at that point?

21 A. Right.

22 Q. So this document [REDACTED] Exhibit 1 --

23 A. Yes.

24 Q. -- that was your discharge summary for that



1 first hospitalization?

2 A. Correct.

3 Q. I wonder if you could tell me about the  
4 diagnoses that she had at that point?

5 A. At that time, her diagnosis was [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 Q. [REDACTED]

12 A. [REDACTED]

13 Q. [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 [REDACTED]

17

18 T

19 s

20 i

21

22 c

23

24



Pages A62 – A101 are redacted in their entirety.

1 mentioned before in one of my notes, [REDACTED]  
2 [REDACTED] So I think that  
3 working at MBNA is out of question at this time.

4 Q. Did you ever have any conversations with  
5 anyone at MBNA about Janet Franklin?

6 A. Pardon me?

7 Q. Did you ever have any conversations with  
8 anyone at MBNA about Janet Franklin? For example, with  
9 Peggy Humphrey?

10 A. Yes. I am sure I had it, but usually those  
11 conversations are kind of limited to what her symptoms  
12 are, how she is doing, whether she's able to return to  
13 work or not.

14 So many times when I write a note about  
15 leave of absence or medical leave, sometimes you get a  
16 phone call, you know, from someone at MBNA.

17 Q. Are you aware that Miss Franklin is currently  
18 on Social Security disability income?

19 A. Yes.

20 Q. And did you do any kind of certification for  
21 her for that?

22 A. I usually don't do certifications. What  
23 happens, that they will ask for my records. So I copy  
24 it and send it to them and then they make the decision.



1 Q. Dr. [REDACTED], I am going to hand these documents  
2 to you. They have been marked Exhibit [REDACTED]-5 through  
3 Exhibit [REDACTED]-20, and I'd like you to just identify  
4 each one of them for me.

5 So [REDACTED]-5 is?

6 A. A copy of disability form filled out on  
7 2-17-05.

8 Q. Is your signature on there?

9 A. It's my signature.

10 Q. That's a form for Janet Franklin?

11 A. Right.

12 Q. Is that from your file? That's from your  
13 file?

14 A. Yes. No, this is your copy.

15 Q. The original was in your file?

16 A. Yes.

17 No. 6 is a letter I wrote to Superior  
18 Court to excuse her from jury duty.

19 Q. And that was in your file as well?

20 A. Right.

21 This document, No. 7, is medical leave  
22 document for MBNA signed by me, from my file.

23 Q. Okay.

24 A. No. 8, again the document for certificate of



1 disability for MBNA with my signature from my file.

2 Q. Okay.

3 A. No. 9, again, certificate of disability for  
4 MBNA from my file with my signature.

5 Q. Thank you.

6 A. No. 10, fax, this is a fax from MBNA asking to  
7 complete the form for Janet Franklin.

8 Q. The one from Peggy Humphrey?

9 A. Yes. This is from Peggy Humphrey.

10 Q. Okay.

11 A. No. 11, certificate of disability for MBNA  
12 with my signature from my file.

13 No. 12, certificate of disability from  
14 MBNA with my signature from my file.

15 No. 13, a fax from Janet to me asking me  
16 to fill out the papers for known discharge application,  
17 total and permanent disability form, which is about  
18 four pages and signed by me from my file.

19 Q. Thank you.

20 A. No. 14 is discharge application total  
21 impairment disability form signed by me from my file.

22 No. 15, [REDACTED]  
23 profile of Janet Franklin from my file. Four pages.

24 Q. Is that dated, that document?



1 A. Right.

2 This is a copy of the [REDACTED]

3 [REDACTED]

4 Q. That's No.?

5 A. 17. That is from my file.

6 [REDACTED]

7 [REDACTED]

8 Franklin, No. 18 from my file.

9 No. 19 is the form we fill out for the

10 Blue Cross [REDACTED]

11 patient. That is from my file. It doesn't have my

12 signature. It doesn't require one.

13 No. 20 is again similar kind of form for

14 Blue Cross we fill out from my file.

15 Q. Great.

16 Let me ask you about yourself a little

17 bit.

18 A. Okay.

19 Q. Can you tell me what your occupation is and  
20 your qualifications?

21 A. [REDACTED]

22 Delaware, Newark/Wilmington area since 1978. I am in  
23 the private practice since then.

24 Also I'm affiliated with, in the past,



1 with different hospitals like Wilmington Hospital,  
2 St. Francis, b [REDACTED]

3 [REDACTED]

4 For 15 years I was a medical director at  
5 [REDACTED] which I resign I think about four  
6 years ago. But two years in between I was associate  
7 medical director for, in charge of 13 hospitals on the  
8 East Coast for Charter -- C-H-A-R-T-E-R -- Corporation.

9 Patient practice involves hospital, as  
10 well as office practice, and what else do you like to  
11 know?

12 Q. Are you Board certified?

13 A. I'm Board eligible.

14 Q. Board eligible?

15 A. (Witness nods.)

16 Q. You have an MD?

17 A. I'm MD.

18 Q. Where did you get your MD?

19 A. I got my MD from Medical College Boroda,  
20 India. And I did my residency [REDACTED] first at  
21 University of Chicago for first year and next two years  
22 at University of Illinois in Chicago. Then I worked at  
23 Cook County Hospital and then I started my practice in  
24 Delaware.





Pages A107 – A131 are redacted in their entirety.

**CERTIFICATE OF SERVICE**

I hereby certify that on August 2, 2006, I electronically filed a true and correct copy of the foregoing Appendix to Defendant MBNA's Opening Brief in Support of Its Motion for Summary Judgment – Redacted and this Certificate of Service with the Clerk of the Court using CM/ECF.

I further certify that on August 2, 2006, I served the foregoing Appendix to Defendant MBNA's Opening Brief in Support of Its Motion for Summary Judgment - Redacted and this Certificate of Service on the following non-registered participant in the manner indicated below:

Janet L. Franklin, *Pro se* (First Class Mail)  
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tchee@ycst.com  
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Dated: August 2, 2006